

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MEMORIAL HERMANN HOSPITAL
SYSTEM,**

Plaintiff,

v.

MICHAEL BOUTON, M.D.,

Defendants.

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CIVIL ACTION NO. 4:10-CV-1161

UNOPPOSED MOTION TO REINSTATE CASE

TO THE HONORABLE KENNETH M. HOYT, UNITED STATES DISTRICT JUDGE:

In response to the Court's Order of Dismissal on Settlement Announcement [*See* Docket No. 26], Plaintiff, **Memorial Hermann Hospital System**, files this Unopposed Motion to Reinstate Case and would respectfully show the court as follows:

On November 24, 2010, the Court issued an Order of Dismissal on Settlement Announcement (the "Order"). The Order states that the parties may move to reinstate the case within ninety (90) days of the date of the Order. Although the case has been resolved, the parties are still negotiating resolution terms which will include an Agreed Judgment. The parties expect to reach an agreement on the final settlement terms within sixty (60) days of this motion, but after the expiration of the Court's ninety day deadline to reinstate this matter. Plaintiff therefore requests that the court maintain the case on its docket for another sixty (60) days so that the matter can be properly concluded.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Memorial Hermann Hospital System requests that the Court (i) reinstate the case and maintain it on the Court's docket for another 60 days; and (ii) grant such other and further relief, both at law and in equity, as is just.

DATED: February 21, 2011

Respectfully submitted,

By: /s/ Michael A. Harvey

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CERTIFICATE OF CONFERENCE

I hereby certify that, on February 21, 2011, Mr. Harry Scarborough, counsel for Dr. Bouton, was contacted regarding this matter, and he has indicated he is unopposed to the relief requested herein.

/s/ Michael A. Harvey

Michael A. Harvey

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Unopposed Motion to Retain Case on Docket has been served to the parties listed below either via electronic means as listed on the Court's ECF noticing system or via United States first class mail, postage prepaid, on February 21, 2011.

Dr. Michael Bouton
c/o Harry L. Scarborough
Faubus & Scarborough, LLP
1010 Lamar, Suite 1020
Houston, TX 77002

/s/ Michael A. Harvey

Michael A. Harvey